

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Claims 1, 3, 7, 11 and 16 have been amended. Claims 5, 10, 12 and 20 are canceled.

Claim 5, 12 and 20 were rejected under 35 U.S.C. 112, second paragraph. Claim 20 was also rejected under 35 U.S.C. 101. Claims 5, 12 and 20 are now canceled, rendering the rejections moot.

Claims 1-4, 11, 14, 15 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/05591 (hereinafter, “the Phonak reference”). As discussed above, claim 20 has been canceled, rendering its rejection moot.

Claim 1 has been amended to include limitations from canceled claim 5, which the Examiner identified as containing allowable subject matter. Claim 1 recites the following limitations not taught or suggested by the prior art of record, “filtering the signal in the side signal path by a high-pass filter or a time-domain filter bank, and...wherein a group delay of a signal traveling through the side signal path is smaller than a group delay of a signal traveling through the main signal path.” Applicant submits that claim 1 is allowable. Claim 2 depends from claim 1 and, therefore, is also allowable.

Claim 3 has been amended and is now in independent form. Amended claim 3 recites in part, “adjusting a gain, applied to the converted input signal in the side signal path, as a function of a gain applied to the converted input signal in the main signal path, wherein the gain applied to the converted input signal in the side signal path is computed from an existing gain model in

the main signal path..." Support for the amendment to claim 3 can be found on application page 9 at lines 9-19. Applicant submits that the prior art of record fails to teach or suggest that a gain applied to a converted input signal in a side signal path is computed from an existing gain model in a main signal path. Accordingly, claim 3 is allowable over the prior art of record. Claim 4 depends from claim 3 and, therefore, is also allowable.

Claim 11 was rejected as anticipated by both of the Phonak reference and Steeger (USPN 4,508,940). Claim 11 recites the following limitations not taught or suggested by the prior art of record, "wherein the side signal path further comprises a high-pass filter unit or a time-domain filter bank, and wherein a group delay of a signal traveling through the side signal path is smaller than a group delay of a signal traveling through the main signal path." Applicant submits that claim 11 is allowable. Claims 14 and 15 depend from claim 11 and, therefore, are also allowable.

Claim 12 was rejected as anticipated by Steeger. Claim 12 has been canceled, rendering the rejection moot.

Claims 6 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Phonak reference in view of Levitt et al. (USPN 4,879,749). Claim 6 depends from allowable claim 1, and claim 13 depends from allowable 11. Therefore, claims 6 and 13 are also allowable.

Claim 9/1, 10 and 19/11 were rejected under 35 U.S.C. 103(a) as being unpatentable over Phonak in view of Killion et al. (USPN 5,524,056). As discussed above, claims 1 and 11 are allowable. Therefore claims 9/1 and 19/11 are also allowable. Claim 10 has been canceled, rendering the rejection moot.

The Examiner objected to claim 5 as being dependent upon a rejected base claim, but indicated that claim 5 would be allowable if rewritten in independent form. As discussed above, claim 1 has been amended to include the limitations of claim 5, which has been canceled.

The Examiner also objected to claims 7, 8, 9/7, 16-18 and 19/16 as being dependent upon rejected base claims, but indicated that they contain allowable subject matter. Claims 7 and 16 have been amended and are now written in independent form. Claims 8 and 9/7 depend from allowable claim 7. Claims 17, 18 and 19/16 depend from allowable claim 16.

Applicant does not acquiesce to any inference or presumption drawn from the Examiner's statements regarding the reasons for claim allowances.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 36431

Respectfully submitted,
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